

COURT
MASS.
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

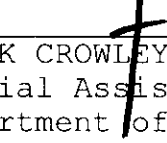
FRANCIS WANJIRU, 2004 FEB -4 P 4:47
Petitioner)
v.) Civil Action No.
JOSEPH MCDONOUGH, SHERIFF,) 04CV10030-EFH
PLYMOUTH COUNTY,)
Respondent)

MOTION TO DISMISS

Respondent¹ moves to dismiss this action pursuant to Fed. R. Civ. P. rule 12(b)(6) for failure to state a claim upon which relief may be granted.

Respectfully submitted,

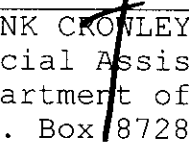
MICHAEL J. SULLIVAN
United States Attorney

By:  .
FRANK CROWLEY
Special Assistant U.S. Attorney
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J.F.K. Station
Boston, MA 02114
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¹ As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's immigration custody in the instant action is Bruce Chadbourne, Interim Field Director for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on February 4, 2004.



FRANK CROWLEY
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